

Remarks

This Amendment is responsive to the non-final Office Action mailed March 5, 2004. In this Office Action, claims 1-3, 8, 16, 19, 20, 23, 25, 27, 28, 29, and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,404,639 (hereinafter, "McGuire et al."); claims 1-3, 8, 10-16, 19-20, 23-29, 22-33 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,370,454 (hereinafter, "Moore"); and claim 15 was rejected under 35 U.S.C. §103(a) as being obvious over Moore in view of U.S. Patent No. 6,330,499. Claims 32 and 33 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to distinctly claim the subject matter of the invention. Also in the Office Action, claims 34-51 were deemed by the Examiner to be directed to an invention that is independent and distinct from the originally-claimed invention, and therefore, were withdrawn from consideration pursuant to 37 C.F.R. §1.142(b) as being directed to a non-elected invention.

As a result of this Amendment, claims 32 and 33 are hereby amended to address the 35 U.S.C. §112 rejections noted above. Claims 34-51 are hereby canceled without prejudice. Claims 1-3, 8, 10-16, 19-20, 23-29 and 32-33 are now pending in the present application. Reconsideration of the application is respectfully requested in light of the above amendments and in consideration of the following remarks.

A. Claims 34-51

In this Amendment, claims 34-51 are hereby cancelled without prejudice. The cancellation of claims 34-51 is not an admission by Applicant that the reasoning for restricting/constructively electing and subsequently withdrawing these claims is or is not proper. Moreover, such cancellation is not an acquiescence of the examiner's statement that Garner Jr (2002/0096537) reads on claims 34-51. Indeed, Applicant reserves the right to file and pursue further prosecution of these claims in a properly-filed continuing application.

B. 35 U.S.C. §112 Rejections

Claims 32 and 33 are hereby amended to address the examiner's reasoning for rejecting these claims under 35 U.S.C. §112, second paragraph. Particularly, both of these claims are amended to specifically recite their dependence to claim 27, which was inadvertently omitted in the amendment filed in conjunction with the Request for Continue Examination on December 19, 2003.

It should be appreciated that these amendments are being made solely to address the 35 U.S.C. §112, second paragraph rejections and to distinguish claims 32 and 33 over any of the cited art of record, and as such, these amendments should not be considered to be “narrowing” amendments.

C. 35 U.S.C. §102 Rejections under McGuire et al. and Moore

All independent claims in the present application - claims 1, 16, 23 and 27 - recite the collection and analysis of *business data*, which in general, relates to business and/or financial aspects of specific customer accounts for which services are being provided by field service providers. These claims recite analyzing the collected business data in order to determine whether the information indicates a time-critical situation in connection with a customer account. For example, and by means of illustration only, an exemplary time-critical situation exists when an invoice for a service being provided on a specific customer account is past due.

As noted above, all claims of the present application have been rejected as being anticipated by both McGuire et al. and Moore, both of which generally pertain to a computer-implemented system for diagnosing and servicing vehicles. These rejections are improper because neither of these references teaches analysis of *business data* in order to determine the occurrence of a time-critical situation in connection with specific customer accounts. Insofar as such analysis is neither taught by McGuire et al. nor Moore, time-critical advisory information (e.g., an alarm) is in no way created and subsequently presented to a management system to provide notice thereto of a time-critical situation. Each of these references are now briefly addressed and contrasted to the claims pending in the present application.

With respect to Moore, this reference fails altogether to teach any form of data that could be referred to as “business data.” Rather, the data collected and analyzed by Moore only pertains to the operational aspects of a vehicle, and therefore at most only constitutes “device data.” Indeed, Moore is only concerned with identifying time critical events relative to the cooling system, the ignition system, the fuel system, the electrical system or the hydraulic system of a vehicle, and not relative to business or financial aspects in connection with specific customer accounts. Moore therefore fails to teach not only the collection and analysis of business data, but

this reference is directed to a wholly different process and system than that recited in the claims of the present application.

In slight contrast, the system taught by McGuire et al. teaches collecting information related to financial aspects of diagnosing and servicing vehicles. For example, McGuire teaches collecting information related to estimates for car repair and servicing, see Col. 5, at line 5, and even teaches tracking the cost of all parts and labor to date for a specific customer's service, see Col. 9, at lines 1-7. However, McGuire et al. fails to teach analyzing this data to indicate the occurrence of time-critical situations. Indeed, this data is not analyzed for any purpose whatsoever, but rather is merely provided as an end-result product to the dealer administering the service. McGuire et al. therefore not only fails to teach the recited analysis step for use in detecting the occurrence of time-critical situations relative to specific customer accounts, but also lacks any motivation whatsoever that such an analysis would be a useful feature in the diagnostic and servicing process taught therein.

For at least the reasons provided above, claims 1, 16, 23 and 27 are believed allowable over both Moore and McGuire et al. Claims 2-3, 8 and 10-15 depend from claim 1, claims 19-20 depend from claim 16, claims 24-26 depend from claim 23 and claims 28-29 and 32-33 depend from claim 27. As such, each of these dependent claims recite at least those limitations described above as not being taught by either McGuire et al. or Moore, and are thus believed allowable over same.

Additionally, claims 1, 23 and 27 recite establishing a communication session with the management system in response to creation of time-critical advisory information. To that end, claims 1, 23 and 27 include specific recitations that pertain to automatically notifying the management system of the occurrence of a time-critical situation. Because neither McGuire et al. nor Moore teach the creation of time-critical advisory information from collected business data, neither reference teaches, nor does either reference provide a motivation for, such automatic notification of the recited type of time-critical situations. As such, even further reasons for allowance than those articulated above exist with respect to claims 1, 23 and 27 as well as the claims that depend therefrom.

CONCLUSION

This Amendment is believed to be fully responsive to all points raised in the non-final Office Action mailed March 5, 2004. Still, the Office Action may contain other arguments and rejections and that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument to have merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. No fees are believed due for the submission of this Amendment into the present application. However, if this is not the case, please charge any required fees, including any extension fees under 37 C.F.R. §1.136(a) necessary to maintain pendency of the present application, to Deposit Account No. 13-2725.

Respectfully submitted,



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